

Exhibit A

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. CV-07-5944-SC

MDL No. 1917

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

**DECLARATION OF MARIO N. ALIOTO IN
SUPPORT OF REPLY BRIEF IN SUPPORT
OF MOTION OF INDIRECT-PURCHASER
PLAINTIFFS FOR CLASS CERTIFICATION**

Date: TBD

Time: TBD

Before: Hon. Charles A. Legge (Ret.)
Special Master

The Honorable Samuel Conti

REDACTED PER COURT ORDER (D.E. 1577)

1 I, Mario N. Alioto, declare as follows:

2 1. I am an attorney-at-law licensed to practice before the courts of the State of
3 California, and a partner of Trump, Alioto, Trump & Prescott LLP, Interim Lead Counsel for the
4 Indirect-Purchaser Plaintiffs. I make this declaration in support of Indirect-Purchaser Plaintiffs’
5 Reply Brief in Support of Motion for Class Certification. I have personal knowledge of the facts
6 stated in this Declaration and can and will testify thereto if called upon to do so.

7 2. As explained in paragraphs 3-5 below, there are a number of objective methods to
8 determine what brand of tube is a particular television for each class member.

9 3. In several instances, the tube brand was identified simply by removing the back of
10 the CRT unit, and viewing the name of the respective tube makers, which are clearly printed on the
11 tubes. *See* Exs. 1-4 (Declarations of Proposed Class Representatives Steven Ganz, Barry Kushner,
12 Janet Ackerman, and Zsolt Tolgyesi, respectively), attached hereto.

13 4. The tube brand can be identified by removing the back of the CRT unit, and
14 viewing the CRT model number. Because each CRT model number is unique to a specific
15 manufacturer, the number allows identification of the manufacturer of each tube, as set forth
16 below:

17 a. Attached hereto as Exhibit 5 is a true and correct copy of a photograph (Ex.
18 417 to the deposition of Nevada Plaintiff Gloria Comeaux) showing that Ms. Comeaux purchased
19 a TV with tube model A79ECK262X54. The Defendant data shows that the design code “ECK”
20 belongs to Philips. Bates document FOX00109753 confirms that the A79ECK262X54 is
21 manufactured by Philips.

22 b. Attached hereto as Exhibit 6 is a true and correct copy of a photograph
23 (excerpted from Ex. 513 to the deposition of Tennessee Plaintiff Albert Sidney Crigler) showing
24 that Mr. Crigler purchased a TV with tube model A63AFW32X. The Defendant data shows that
25 the A63AFW32X is a Philips tube. Bates document FOX00051317 confirms this.

26 c. Photographs attached to the Declaration of Proposed Class Representative
27 Kerry Lee Hall (attached hereto as Exhibit 7) show that Maine Plaintiff Hall purchased a TV with
28

1 tube model A34LEX10X. The website <http://www.samtelcolor.com/?page=cpt> shows Samtel to
 2 be the manufacturer of the A34LEX10X tube. Bates document PHLP-CRT-067904 confirms this.

3 d. Photographs attached to the Declaration of Proposed Class Representative
 4 Lisa Reynolds (attached hereto as Exhibit 8) show that Michigan Plaintiff Reynolds purchased
 5 TVs with tube models A68ADT25X01 and A80AEJ15X01. Bates document TACP-CRT-
 6 00021819 shows that the A68ADT25X01 is a Thomson tube. Bates document MTPD-0251941
 7 shows that the A80AEJ15X01 is also a Thomson tube.

8 5. The television or monitor product model numbers can be matched with service
 9 manuals and/or other publically available information to determine the CRT tube model number.
 10 Because each tube number is unique to a specific manufacturer, the tube number allows
 11 identification of the manufacturer of each tube, as set forth below:

12 a. Attached hereto as Exhibit 9 is a true and correct copy of a receipt showing
 13 that New York Plaintiff Louise Wood purchased a Toshiba television, model number 32A14. We
 14 found this television's CRT model to be M80LNK085X90Y1 in the Toshiba 32A14 service
 15 manual. The Defendant tube sales data shows that the design code "LNK" belongs to Panasonic.
 16 Bates document MTPD-0642663 also links the model number to Panasonic.

17 b. Attached hereto as Exhibit 10 is a true and correct copy of a receipt (Ex. 595
 18 to the deposition of Florida Plaintiff David Rooks) showing that Mr. Rooks purchased a Panasonic
 19 television, model number CT36HX41. We found this television's CRT model to be
 20 A90LSW195X at [http://www.partstore.com/CompatibleModels](http://www.partstore.com/CompatibleModels/Matsushita/Panasonic/A90LSW195X/New.aspx)
 21 [/Matsushita/Panasonic/A90LSW195X/New.aspx](http://www.partstore.com/CompatibleModels/Matsushita/Panasonic/A90LSW195X/New.aspx). To verify the website's information, we found a
 22 service manual of the Panasonic CT36HX40B, which the website says uses the same tube as the
 23 CT36HX41. The service manual confirms the A90LSW195X tube. Bates document
 24 PAN0000031, which is a record of Panasonic TV repairs, also links the CT36HX41 to the
 25 A90LSW195X. The Defendant tube sales data shows that the A90LSW195X was a Panasonic
 26 tube. Bates document MTPD-0132012 confirms this.

c. Attached hereto as Exhibit 11 are true and correct copies of photographs (Ex. 506 to the deposition of California Plaintiff Jeffrey Figone) showing that Mr. Figone purchased a Sharp television, model number 13KM100. The Sharp 13KM100 service manual indicates that this television's CRT models were VB370BVBK1U-S, VB370BVBK1S-S, VB34JFQ90X/*S, VB34KPU02X/*S, VB34JLL40X/*S, and VB37GDA86X/1E. The Defendant tube sales data shows that these tubes are Chunghwa tubes. Bates document CHU00516814 confirms this. Also included in Exhibit 11 are true and correct copies of photographs (excerpted from Ex. 507 to Mr. Figone's deposition) showing that Mr. Figone also purchased two Panasonic televisions, model number PVC1332W. These televisions contained CRT tubes with the model number LXQVB01131.

<http://www.partstore.com/Part/Matsushita/Panasonic/LXQVB01131/New.aspx>. To verify the website's information, we found a service manual of the Panasonic PVC1321K, which the website says uses the same tube as the PVC1332W. The service manual confirms the LXQVB01131 tube. The website <http://www.orderpartstoday.com/item/4065012/Panasonic/LXQVB01131/Crt> indicates that the two LXQVB01131 tubes were likely made by Panasonic.

d. Attached hereto as Exhibit 12 is a true and correct copy of a receipt and related documents (Exs. 367-369 to the deposition of District of Columbia Plaintiff Lawyer's Choice Suites, Inc.) showing that Lawyer's Choice Suites purchased a Dell E773 monitor. The Dell E773c May 2005 and July 2005 service manuals indicate that the monitor contained one of the following tube model numbers: 750C5W522AV, 750C58522AV, 750C58625AV, and/or 750C58956AV. The service manual lists Chunghwa, LPD, and Samsung as the CRT manufacturers.

e. Arizona Plaintiff Brian Luscher located a notation in his television manual that indicated he purchased a Philips model 27RF70S125. *See* Exhibit 13 (Declaration of Proposed Class Representative Brian Luscher), attached hereto. We found this television's CRT model to be A68QCP891X001-N at

<http://www.partstore.com/Part/Royal+Philips+Electronics/Philips/483513127189/New.aspx>. We

also found a service manual of the Philips 27RF50S125, which confirms the A68QCP891X001 tube. Bates document LPD_00019519 shows that the A68QCP891X001 is a Samsung tube.

6. Attached hereto as Exhibit 14 are true and correct copies of excerpts from the transcript of the deposition of Panasonic 30(b)(6) witness Masahiro Kimura taken in this matter on July 19, 2012.

7. Attached hereto as Exhibit 15 are true and correct copies of excerpts from the transcript of the deposition of New Mexico Plaintiff Craig Stephenson taken in this matter on April 26, 2012.

8. Attached hereto as Exhibit 16 are true and correct copies of excerpts from the transcript of the deposition of North Dakota Plaintiff Gary Hanson taken in this matter on May 4, 2012.

9. Attached hereto as Exhibit 17 are true and correct copies of excerpts from the transcript of the deposition of Alvin Guttman, who was designated as a Fed. R. Civ. P. 30(b)(6) witness for District of Columbia Plaintiff Lawyer's Choice Suites, Inc., taken in this matter on October 11, 2012.

10. Attached hereto as Exhibit 18 is a true and correct copy of the European Commission's Press Release, *Antitrust: Commission fines producers of TV and computer monitor tubes € 1.47 billion for two decade-long cartels*, dated December 5, 2012.

11. Attached hereto as Exhibit 19 are true and correct copies of excerpts from the transcript of the deposition of Plaintiffs' expert Janet S. Netz, Ph.D., taken in this matter on November 15, 2012.

12. Attached hereto as Exhibit 20 are true and correct copies of excerpts from the transcript of the deposition of Defendants' expert Robert D. Willig, Ph.D., taken in this matter on January 24, 2013.

13. Attached hereto as Exhibit 21 are true and correct copies of excerpts from the transcript of the deposition of Geoffrey Shavey, who was designated as a Fed. R. Civ. P. 30(b)(6)

1 witness for direct-action plaintiff Costco Wholesale Corporation, taken in this matter on December
2 7, 2012.

3 14. Attached hereto as Exhibit 22 are true and correct copies of excerpts from the
4 transcript of the deposition of Brian R. Stone, who was designated as a Fed. R. Civ. P. 30(b)(6)
5 witness for direct-action plaintiff Best Buy Co., Inc., taken in this matter on December 3, 2012.

6 15. Attached hereto as Appendix A is a summary of deposition testimony taken in this
7 matter demonstrating the adequacy of each of the proposed named class representatives, and
8 attached to that is a compendium of true and correct copies of the corresponding deposition
9 excerpts.

10 DATED: February 15, 2013

Respectfully submitted,

11 /s/ Mario N. Alioto

12 Mario N. Alioto

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